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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,323	06/24/1999	RICHARD G. HARTMANN	EN998070	8931

7590 12/18/2003

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EXAMINER	
NGUYEN, HAI V	

ART UNIT	PAPER NUMBER
2142	22

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/344,323	HARTMANN ET AL.	
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 22 October 2003.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This Office Action is in response to the communication received on 22 October 2003.

2. Claims 1-20 are presented for examination.

3. Claims 18-20 are new claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 11-13, 16 are rejected under 35 U.S.C. 101 because the claimed invention is non-functional descriptive material and is directed to non-statutory subject matter. Claims 11-13, 16 describe the "logic element", the "means" and the "compute program element", which when read in light of specification amounts to nothing more than computer software void of a computer readable medium. See MPEP 2106(IV)(B)(1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Albers** et al. (US **6,223,188 B1**) in view of **Ball** et al. (US **6,366,933 B1**).

8. As to claim 1, Albers, Presentation Of Link Information As An Aid To Hypermedia Navigation, discloses a method for operating a server responsive to a request for data from a client browser specifying data type and size, comprising the steps of: receiving from said browser a HEAD request for the header of a data file *(Albers, col. 1, lines 41-67; col. 2, lines 1-51; col. 5, lines 6-54);* responsive to said HEAD request, serving to said browser data file header information including data type and data size *(Albers, col. 1, lines 41-65; col. 5, lines 6-54)*; However, Albers does not explicitly disclose responsive to said browser determining from said data file header that said data file data type and size are in accordance with said request for data, receiving from said browser a GET request, said browser responsive to either said data file data type or said size not being in accordance with said request for data, not issuing said GET request to said server; and thereafter responsive to said GET request, serving to said browser data corresponding to said header. Thus, the artisan would have been motivated to look into the related network arts for potential methods and systems for implementing the servicing the browser user's requests for resources or objects over the Internet.

In the same field of endeavor, Ball, related Method And Apparatus For Tracking And Viewing Changes On The Web, discloses in an analogous art internet data access. *Ball discloses the HEAD information provided by httpd (the HTTP server) for the URL....In addition, there is a threshold associated with each page to determine the maximum frequency of direct HEAD requests. If the page was visited within the threshold, or the modification date obtained from the proxy-caching server is current*

with respect to the threshold, the page is not checked. The threshold can vary depending on the URL, with perl pattern matching used to determine what threshold to apply... (Ball, col. 12, line 2 – col. 13, line 14). Albers also suggests that in the case of hypermedia documents on the WWW, the system retrieves the information regarding the data file's size, its file type by performing httpd HEAD request; this request is similar to the request usually made to retrieve the hypermedia document to which the link points; however, instead of retrieving the entire hypermedia document, only basic information stored in the hypermedia document's header is returned; this saves the user the time and resources that actually downloading the hypermedia file would entail thus reducing network traffic (Albers, col. 5, lines 24-39).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Albers' teachings of using HEAD request to efficiently provide information on hypermedia links without forcing the user actually download the information represented by those links *(Albers, col. 2, lines 11-20)* with the teachings of Ball, for the purpose of allowing users to specify lists of documents of interest *(Ball, Abstract, Fig. 13; col. 2, lines 39-45; col. 4, lines 44-51;col. 21, lines 37-50)*. Ball also suggests that *existing GET and POST protocols are used to communicate with specific servers that save versions of documents and provide mark-up versions showing how that have changed. However, if a server runs htmldiff and some perl scripts, it can provide a direct version-control interface and avoid the need to store copies of its HTML documents elsewhere (Ball, col. 21, lines 5-12)* and reducing network traffic and users' time and resources *(Albers, col. 5, lines 24-39)*.

9. As to claim 2, Albers-Ball discloses a method for operating a client browser for requesting a data file from a server, comprising the steps of: receiving data parameters including data type and size from a browser user *(Albers, col. 1, lines 41-67; col. 2, lines 1-51);* communicating to said server a HEAD request *(Albers, col. 1, lines 41-67; col. 2, lines 1-51)*; receiving from said server in response to said HEAD request a data file header describing data file parameters including data type and size *(Ball, Figs. 4, 11, items 7,9 ; col. 4, line 62 – col. 5, line 40)*; determining if said data file parameters are within said user data parameters *(Ball, Abstract, col. 12, line 20 – col. 13, line 14)*; and only if so communicating to said server a GET request requesting said server to serve said data file *(Albers, Figs. 1-10; col. 3, lines 21-67; col. 4, line 1,- col. 7, line 67; col. 8, lines 1-40; Ball, col. 21, lines 24-67).*

10. As to claim 3, Albers-Ball discloses said data parameters define the data type size acceptable to said user and wherein said data file parameters include the data content type and data content size of said data file *(Albers, col. 1, lines 34-67; col. 2, lines 1-55).*

11. As to claim 4, Albers-Ball discloses said data file comprises a plurality of data files including one or more inline documents *(Ball, Fig. 3B, 13; Albers, col. 2, lines 20-55).*

12. As to claim 5, Albers-Ball discloses each of said plurality of data files is of a type selected from the set of data file types including image data, video data, audio data, and text data *(Ball, col. 9, lines 19-26; Albers, col. 14, lines 35-60).*

13. As to claim 6, Albers-Ball discloses wherein a HEAD request is submitted separately for each said inline document *(Albers, col. 2, lines 11-55; col. 5, lines 24-54).*

14. As to claim 7, Albers-Ball discloses wherein said GET request is submitted selectively only for those inline documents having data parameters within said user parameters *(Ball, Abstract, Figs. 3A, 12; col. 4, lines 45-51; col. 20, lines 26-53; Albers, Fig. 10; col. 8, lines 8-40).*

15. As to claim 8, Albers-Ball discloses said data parameters include a maximum data size and a minimum data size acceptable to said user *(Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).*

16. As to claim 9, Albers-Ball discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of providing to said user the option of modifying said user data parameters *(Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).*

17. As to claim 10, Albers-Ball discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of providing to said user the option of requesting a portion of said data file *(Albers, Figs. 4-10; col. 5, lines 6-67; col. 6, line 1 – col. 7, line 67; col. 8, lines 1-40).*

18. Claims 11, 12 recite a server system corresponding to the method of operations of claim 1. The server system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating server responsive to a request for data from a client browser, which results from the reference discussed above regarding

the claims to the method. Thus the server system described in claims 11, 12 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 1.

19. Claim 13 recites a system (a client browser) corresponding to the method of operations of claim 2. The system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating client browser for requesting a data file from a server which results from the reference discussed above regarding the claims to the method. Thus the system described in claim 13 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 2.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Albers-Ball** as applied in claims 1-13 and further in view of well known features of using computer program product stored on a computer readable medium.

22. As to claim 14, Albers-Ball discloses a program storage device readable by a machine tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to a Form on the network. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of server operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art *(Albers, col. 24, line 1-58; Ball, col. 10, lines 1-58; col. 21, line 13 – col. 22, line 28).*

23. As to claim 15, Albers-Ball discloses, an article of manufacture, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2.

The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of client browser's operations because use of storage medium for programs used in general purpose computer to execute special purpose

functions was routine in the art *(Albers, col. 24, lines 1-58; Ball, col. 10, lines 1-58; col. 21, line 13 – col. 22, line 28).*

24. As to claim 16, Albers-Ball discloses, a computer program element for operating a client browser for requesting a data file from a server to perform method steps as of claim 2.

The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of client browser's operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art *(Albers, col. 24, lines 1-58; Ball, col. 10, lines 1-58; col. 21, line 13 – col. 22, line 28).*

25. As to claim 17, Albers-Ball discloses, a program storage device readable by the machine, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 1.

The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to serve web browser users' requests. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable

medium to store and execute the computer programs of server operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art *(Albers, col. 24, lines 1-54; Ball, col. 10, lines 1-58; col. 21, line 13 – col. 22, line 28).*

26. Claims 18, 19 are similar limitations of claims 9, 10; therefore, they are rejected under the same rationale as claims 9, 10.

27. Claim 20 is similar limitations of claims 3, 4; therefore, it is rejected under the same rationale as claims 3, 4.

28. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Response to Arguments

29. Applicant's arguments filed on 22 October 2003 have been fully considered but they are not persuasive.

30. In the remark, Applicant argued in substance that:

(A) "The suggestion to combine must come from the prior art".

As to point (A), in response to Applicant's argument,

In this case, "In the same field of endeavor, Ball, related Method And Apparatus For Tracking And Viewing Changes On The Web, discloses in an analogous art internet data access. *Ball discloses the HEAD information provided by httpd (the HTTP server) for the URL....In addition, there is a threshold associated with each page to determine the maximum frequency of direct HEAD requests. If the page was visited within the threshold, or the modification date obtained from the proxy-caching server is current*

with respect to the threshold, the page is not checked. The threshold can vary depending on the URL, with perl pattern matching used to determine what threshold to apply... (Ball, col. 12, line 2 – col. 13, line 14). Albers also suggests that in the case of hypermedia documents on the WWW, the system retrieves the information regarding the data file's size, its file type by performing httpd HEAD request; this request is similar to the request usually made to retrieve the hypermedia document to which the link points; however, instead of retrieving the entire hypermedia document, only basic information stored in the hypermedia document's header is returned; this saves the user the time and resources that actually downloading the hypermedia file would entail thus reducing network traffic (Albers, col. 5, lines 24-39).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Albers teachings of using HEAD request to efficiently provide information on hypermedia links without forcing the user actually download the information represented by those links *(Albers, col. 2, lines 11-20)* with the teachings of Ball, for the purpose of allowing users to specify lists of documents of interest *(Ball, Abstract, Fig. 13; col. 2, lines 39-45; col. 4, lines 44-51;col. 21, lines 37-50)*. Ball also suggests that *existing GET and POST protocols are used to communicate with specific servers that save versions of documents and provide mark-up versions showing how that have changed. However, if a server runs htmldiff and some perl scripts, it can provide a direct version-control interface and avoid the need to store copies of its HTML documents elsewhere (Ball, col. 21, lines 5-12)* and reducing network traffic and users' time and resources *(Albers, col. 5, lines 24-39)*".

(B) "The Examiner is relying on Applicants' own teachings for the motivation".

As to point (B), It is clear that the Examiner does not rely on Applicants' own teachings for the motivation to combine the prior art. The prior art have said to themselves what they are all about their claimed. The Examiner just recites what is equivalent teachings with the claimed in the instant application.

In this case, "In the same field of endeavor, Ball, related Method And Apparatus For Tracking And Viewing Changes On The Web, discloses in an analogous art internet data access. *Ball discloses the HEAD information provided by httpd (the HTTP server) for the URL....In addition, there is a threshold associated with each page to determine the maximum frequency of direct HEAD requests. If the page was visited within the threshold, or the modification date obtained from the proxy-caching server is current with respect to the threshold, the page is not checked. The threshold can vary depending on the URL, with perl pattern matching used to determine what threshold to apply... (Ball, col. 12, line 2 – col. 13, line 14). Albers also suggests that in the case of hypermedia documents on the WWW, the system retrieves the information regarding the data file's size, its file type by performing httpd HEAD request; this request is similar to the request usually made to retrieve the hypermedia document to which the link points; however, instead of retrieving the entire hypermedia document, only basic information stored in the hypermedia document's header is returned; this saves the user the time and resources that actually downloading the hypermedia file would entail thus reducing network traffic (Albers, col. 5, lines 24-39).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Albers teachings of using HEAD request to efficiently provide information on hypermedia links without forcing the user actually download the information represented by those links *(Albers, col. 2, lines 11-20)* with the teachings of Ball, for the purpose of allowing users to specify lists of documents of interest *(Ball, Abstract, Fig. 13; col. 2, lines 39-45; col. 4, lines 44-51;col. 21, lines 37-50)*. Ball also suggests that *existing GET and POST protocols are used to communicate with specific servers that save versions of documents and provide mark-up versions showing how that have changed. However, if a server runs htmldiff and some perl scripts, it can provide a direct version-control interface and avoid the need to store copies of its HTML documents elsewhere (Ball, col. 21, lines 5-12)* and reducing network traffic and users' time and resources *(Albers, col. 5, lines 24-39)."*.

31. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142